

#### DEPARTMENT OF THE NAVY

OFFICE OF THE SECRETARY 1000 NAVY PENTAGON WASHINGTON, D.C. 20350-1000

April 30, 2003

The Honorable Craig Manson
Assistant Secretary of the Interior
for Fish, Wildlife and Parks
U. S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Mr. Manson:

Public Law 106-398, as amended by Public Law 107-107, directs that upon termination of Navy and Marine Corps operations on the Island of Vieques, the Secretary of the Navy shall transfer to the Secretary of the Interior, without reimbursement, approximately 14,572.791 acres located on the eastern end of Vieques Island, Puerto Rico. A description of the property is attached. Note that this transfer excludes the approximately 96-acre parcel known as Parcel C, which was acquired on April 29, 2003 by the Department of the Interior.

As agreed to by Mr. Sam Hamilton, Southeast Regional Director, Fish and Wildlife Service, all Navy and Marine Corps operations on the Island of Vieques will terminate at noon, April 30, 2003, and the Department of the Navy hereby transfers its interests in and jurisdiction over the approximately 14,572.791 acres of East Vieques to the Department of the Interior at that time.

The Commander, Atlantic Division, Naval Facilities Engineering Command is responsible for implementing this transfer on behalf of the Department of Navy. He may be reached at the following address and phone number:

> Rear Admiral Michael K. Loose, CEC, USN Commander, Atlantic Division Naval Facilities Engineering Command 1510 Gilbert Street Norfolk, Virginia 23511-2699 757-322-8000

I request that you acknowledge the Department of the Interior's acceptance of jurisdiction, custody, and control for this property by signing and returning a copy of this letter. Please do not hesitate to contact my staff or me with any questions on this transfer.

Sincerely,

Hansford T. Johnson Secretary of the Navy

Hausford 7 Johnson

Acting

Attachment

Acknowledgement of the Acceptance of transfer for Jurisdiction over, Custody of, and Control for approximately 14,572.791 acres located on the eastern end of Vieques Island, Puerto Rico. This transfer shall be effective at 11:59 A.M., EDT April 30, 2003.

Assistant Secretary of the Interior for Fish, Wildlife and Parks

Date 4- 30-03

#### EXHIBIT A

#### DESCRIPTION FOR EAST VIEQUES LAND TRANSFER

Beginning at a survey control point near the line between Florida ward and Puerto Real ward, said point being a drill hole in the center of a railroad iron. Said point also known as 'SUMMIT-2' and having a northing of 763,023.2548 and an easting of 994,077.5796 noted as the Point of Beginning on the plat labeled EAST VIEQUES LAND TRANSFER – BOUNDARY SURVEY. Thence S42°32'24"E 10,390.30' to Point # E-1, a 2" galvanized pipe set at the northeastern edge of the mangroves at Puerto Mosquito, the True Point of Beginning, having a northing of 755,367.6283 and an easting of 1,001,102.5145:

Thence N52°16'22"E 932.62' to Point # E-2, a concrete monument set; thence N00°18'16"W 5.740.13' to Point # E-3, a concrete monument set; thence N48°37'19"E 40.35' to Point #1, an iron rod and cap set; thence N54°48'35"E 2,895.39' to Point # E-8, a 2" pipe found; thence N53°50'44"E 223.50' to Point #2, an iron rod and cap set inside the base of a 2"galvanized pipe found; thence N14°29'17"E 171.76' to Point #2A, a 2" galvanized pipe found; thence N20°09'29"E 428.76' to Point #53, a 2" galvanized pipe found; thence N06°10'54"E 271.48' to Point #82, a 2" galvanized pipe found; thence N09°29'10"E 26.67' to Point #79, a 2" galvanized pipe found; thence N27°56'11"E 98.72' to Point #3A, a 2" galvanized pipe found; thence N79°23'33"E 138.12' to Point #4, a 2" galvanized pipe found; thence N80°57'57"E 84.01' to Point #5, a 2" galvanized pipe found; thence N76°09'10"E 296.48' to Point #6, an iron rod and cap set: thence N56°33'03"E 88.27' to Point #7, a concrete monument set; thence N13°34'51"E 86.62' to Point #8, a 2" galvanized pipe found; thence N21°17'05"W 287.46' to Point #9, a 2" galvanized pipe found; thence N19°51'28"W 282.04' to Point #10, a 2" galvanized pipe found; thence N13°17'54"E 183.24' to Point #11, an iron rod and cap set; thence N43°50'00"E 432.80' to Point #12, an iron rod and cap set; thence N56°40'51"E 114.79' to Point #13, an iron rod and cap set: thence N79°45'57"E 116.49' to Point #14, a 2" galvanized pipe found; thence S72°00'07"E 136.45' to Point #15, a 2" galvanized pipe found; thence S45°36'58"E 96.19' to Point #16, a iron rod and cap set; thence S78°19'11"E 350.36' to Point #18, a 2" galvanized pipe found; thence N58°23'27"E 26.36' to Point #19, an iron rod and cap set; thence N04°06'24"E 109.12' to Point #21, a 2" galvanized pipe found; thence N00°42'19"E 291.45' to Point #23, an iron rod and cap set; thence N38°20'42"E 78.81' to Point #24, an iron rod and cap set; thence N68°52'52"E 146.42' to Point #25, an iron rod and cap set; thence N09°08'40"E 47.90' to Point #26, an iron rod and cap set; thence N34°35'59"W 339.00' to Point #27, a 2" galvanized pipe found; thence N11°41'07"W 471.96' to Point #28, an iron rod and cap set; thence N11°03'55"W 101.31' to Point #29, a 2" galvanized pipe found; thence N43°11'29"E 125.34' to Point #30, a 2" galvanized pipe found; thence N76°20'34"E 205.34' to Point #31, an iron rod and cap set; thence N27°12'46"E 69.77' to Point #32, an iron rod and cap set; thence N08°51'01"E 213.46' to Point #33, an iron rod and cap set; thence N35°18'56"E 233.12' to Point #34, a 2" galvanized pipe found; thence N69°22'07"E 659.14' to Point #35, a 2" galvanized pipe found; thence N20°11'45"E 295.36' to Point #36, a 2" galvanized pipe found; thence N89°39'04"E 187.87' to Point #37, an iron rod and cap set; thence S69°24'08"E 65.15' to Point #38, an iron rod and cap set; thence N82°11'47"E 52.43' to Point #39, an iron rod and cap set; thence N52°08'19"E 105.07' to Point #40, a 2" galvanized pipe found; thence N79°18'47"E 325.85' to Point #41, a 2" galvanized pipe found; thence N39°46'32"E 521.25' to Point #42, a 2" galvanized pipe found; thence N10°21'09"W 85.96' to Point #4, a concrete monument set; thence N00°01'04"W 915.28' to Point #111, an iron rod and cap set on line with Points #3 and #4; thence continuing N00°01'04"W 652.48' to Point #113, an iron rod and cap set on line with Points #3 and #4; thence continuing N00°01'04"W 11.02' to Point #960, an iron rod and cap set on line with Points #3 and #4; thence continuing N00°01'04"W 485.55' to Point #16, an iron rod and cap set on line with Points #3 and #4; thence N08°52'46"E 2.89' to Point #15C, an iron rod found; thence continuing N08°52'46"E 121.14' to Point #14C, an iron rod found; thence N28°46'32"E 202.72' to Point #13C, a bent iron rod found; thence N56°10'59"E 238.09'to Point #12C, an iron rod found; thence N79°34'38"E 360.65'to Point #11C, an iron rod and cap set; thence N82°26'29"E 243.72' to Point #10C, an iron rod found; thence N43°15'07"E 195.99' to Point #9C, a point

(unable to set due to rubbish); thence N40°18'45"E 143.04' to Point #10E, a concrete monument set; thence N46°48'02"W 652.26' to Point #9E, an iron rod and cap set; thence N47°14'06"W 225.28' to Point #8E, an iron rod and cap set; thence N42°45'23"W 58.41' to Point #7E, an iron rod and cap set; thence N30°57'13"W 72.36' to Point #6E, an iron rod found and cap set; thence N10°07'22"W 107.33' to Point #5E, an iron rod found; thence N03°35'54"W 182.26' to Point #4E, an iron rod and cap set; thence N05°03'32"W 47.28' to Point #3E, an iron rod and cap set; thence N36°52'32"W 301.41' to Point #2E, an iron rod and cap set; thence N50°22'14"W 266.53' to Point #1E, an iron rod and cap set on line with Points #3 and #4; thence N00°01'04"W 21.11' to Point #3, an iron rod and cap set; thence N41°04'33"W 335.21' to Point #115, an iron rod and cap set; thence N28°13'29"W 213.53' to Point #116, an iron rod and cap set; thence N09°34'10"W 444.52' to Point #117, an iron rod and cap set; thence N30°47'27"W 105.76' to Point #118, an iron rod and cap set; thence N45°33'54"W 115.06' to Point #119, an iron rod and cap set; thence N41°01'14"W 236.50' to Point #120, an iron rod and cap set; thence N47°28'43"W 172.50' to Point #121, an iron rod and cap set; thence N33°13'00"W 41.11' to Point #122, an iron rod and cap set; thence N05°08'10"W 147.08' to Point #123, an iron rod and cap set; thence N30°52'01"W 88.79' to Point #124, an iron rod and cap set; thence N39°20'52"W 260.69' to Point #125, an iron rod and cap set; thence N19°38'32"W 198.01' to Point #126, an iron rod and cap set; thence N38°30'36"W 25.00' to Point #127, an iron rod and cap set; thence N57°24'06"W 77.80' to Point #128, an iron rod and cap set; thence N85°24'28"W 69.65' to Point #2, an iron rod and cap set; thence N05°39'31"E 179.89'to Point #1, an iron rod and cap set in concrete near the approximate edge of water of Sonda de Vieques; thence easterly along the approximate edge of water of said Sonda de Vieques to Punta Campanilla, to Punta Goleta, to Punta Bicacos and to Punta Salinas: thence southeasterly along the approximate edge of water to Punta Este; thence westerly along the approximate edge of water of the Caribbean Sea to Punta Carenero, around Ensenada Honda to Punta Conejo and around Puerto Ferro continuing along the approximate edge of water of said Caribbean Sea to a 2" galvanized pipe set at the northeastern edge of the mangroves at Puerto Mosquito, the True Point of Beginning.

Said parcel containing 638,990,784 square feet or 14,669.210 acres, which equates to 59,364,409.3 square meters or 15,103.927 cuerdas. Less and except the parcels herein described as follows:

First, beginning at a survey control point near the line between Florida ward and Puerto Real ward, said point being a drill hole in the center of a railroad iron. Said point also known as 'SUMMIT-2' and having a northing of 763,023.2548 and an easting of 994,077.5796 noted as the Point of Beginning on the plat labeled EAST VIEQUES LAND TRANSFER – BOUNDARY SURVEY. Thence S50°28'13"E 16,435.46' to an iron rod and cap to be set, the True Point of Beginning, having a northing of 752,562.4501 and an easting of 1,006,754.1703:

Thence S68°40'48"E 20.00' to an iron rod and cap to be set; thence S21°19'12"W 20.00' to an iron rod and cap to be set; thence N68°40'48"W 20.00' to an iron rod and cap to be set; thence N21°19'12"E 20.00' to an iron rod and cap to be set, the True Point of Beginning.

Said exception parcel, also known as U.S. Coast Guard Beacon Reservation, containing 400 square feet or 0.009 acres, which equates to 37.2 square meters or 0.009 cuerda.

Said East Vieques Land Transfer parcel containing a residual area of 638,990,384 square feet or 14,669.201 acres, which equates to 59,364,372.1 square meters or 15,103.918 cuerdas.

Second, that parcel known as Parcel C, containing 96.41 acres, more or less, as described in the Report of Excess filed by the Navy with the General Services Administration on 31 March 1993 and as reinstated with the General Services Administration as excess property at the request of the Department of Interior on or about 21 April 2003, a copy of which has been provided to the Atlanta office of the Fish and Wildlife Service.

Said East Vieques Land Transfer parcel containing a residual area of 14,572.791 acres, more or less,

### DESCRIPTION FOR LIVE IMPACT AREA

Beginning at a survey control point in the Puerto Diablo ward, said point being a brass disk set in concrete. Said point also known as 'OP1-A' and having a northing of 765,473.5284 and an easting of 1,043,816.9636. Thence N64°13'11"E 3835.96' to a concrete monument set at the southwest corner of said Live Impact Area, the True Point of Beginning, having a northing of 767,141.8615 and an easting of 1,047,271.1266:

Thence N03°35'49"E 2,540.99' to a concrete monument set, having a northing of 769,677.8422 and an easting of 1,047,430.5379; thence continuing northerly to the approximate edge of water of Sonda de Vieques; thence northeasterly along said approximate edge of water to Punta Salinas; thence southeasterly along said approximate edge of water to a point at Tortuga Beach; thence southerly departing said approximate edge of water to a concrete monument set, having a northing of 768,500.5595 and an easting of 1,056,702.1832; thence S 00°27'24"E 2,476.27' to a concrete monument set, having a northing of 766,024.3680 and an easting of 1,056,721.9193; thence continuing southerly to the approximate edge of water of the Caribbean Sea; thence westerly along said approximate edge of water to a point at Bahia Salina del Sur; thence northerly departing said approximate edge of water to a concrete monument set, the True Point of Beginning.

Said parcel containing 39,985,149 square feet or 917.933 acres, which equates to 3,714,755.8 square meters or 945.135 cuerdas.

- XIII. ENFORCEMENT ACTIONS. It is the intent of the Parties to this MOA that Interior not be held responsible for responding to any administrative or legal action brought to enforce the requirements of applicable laws or regulations concerning Environmental Contamination or Munitions Response based on Interior's status as land manager. Each party shall cooperate with and assist the other in providing information relating to any such enforcement action.
- XIV. FUNDING. Nothing in this MOA shall be construed as obligating funds in violation of the Anti-Deficiency Act, 31 U.S.C. 1341.
- DISPUTE RESOLUTION. The Parties shall attempt to settle disputes informally. If a XV. dispute arises that is not resolved informally, the Parties shall use applicable procedures or authorities for the resolution of the dispute, which may include, but are not limited to, those provided in Executive Order 12146 and Executive Order 12580.
- XVI. NO THIRD PARTY RIGHTS! This MOA is intended only to set forth the terms and conditions for the transfer of the property described herein, and is not intended to create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law by any person against the United States it's agencies, or any other person.
- XVII. EFFECTIVE DATE, MODIFICATION, AND TERMINATION. This MOA shall become effective as of the date of any transfer under the authority of Section 1504 of the Act. Modifications may be proposed at any time by any Party, and shall become effective pursuant to the terms of such modifications, as agreed to by the Parties. This MOA shall remain in effect until such time as the parties mutually agree to its termination.

Department of the Interior

H. Craig Manson

Assistant Secretary for Fish and Wildlife and

and Parks

Hansford ) Jelenes Department of the Navy

Hansford T. Johnson

Secretary of the Navy

Acting

4-30-03

Date

4/30/03

Date

# Attachment 1

Temporary Buildings, Structures, Equipment, Objects, and Debris to be Demolished/Removed

## List of Buildings:

Bldg#	Description
4533	Bath House (temp)
4534	Dog Kennel (temp)
4535	NEX / MWR hut (temp)
4536	Mini-Mart hut (temp)
4537	BEQ E1-E4 (temp)
4538	BEQ E1-E4 (temp)

#### List of Structures:

Property #	Description
1017	Radar Trck Antna atop ROC
1018	M.W. Antenna atop ROC
1026	Old South small craft ramp
4510	Transportation/Dispatch Office
4539	Sentry House (temp)
4540	Observation Tower (temp)
4541	Observation Tower (temp)
4542	Observation Tower (temp)
4543	Observation Tower (temp)
4544	Observation Tower (temp)
4545	Observation Tower (temp)

# List of Miscellaneous Structures, Equipment, Objects and Debris:

Medical structure

Puerto Diablo Security Structure

Red Beach Security Structure

Commemorative Marker (rock and plaque)

Tanks at OP-1 Filling Station (building 4703)

Large concrete culverts marking boundary of LIA (painted white)

Various conex boxes / trailers

All observation towers

All concertina wire

All furnishings (beds, lockers, tables) from OP-1 unless otherwise accepted

All furniture (beds, lockers, etc.) in the Security building (bldg. 4531) unless otherwise accepted

All refrigerators in BEQ buildings (bldgs. 4527 & 4530) unless otherwise accepted

Targets in the LIA (to be removed as part of the remedy)

#### EXHIBIT A

# DESCRIPTION FOR EAST VIEQUES LAND TRANSFER

Beginning at a survey control point near the line between Florida ward and Puerto Real ward, said point being a drill hole in the center of a railroad iron. Said point also known as 'SUMMIT-2' and having a northing of 763,023.2548 and an easting of 994,077.5796 noted as the Point of Beginning on the plat labeled EAST VIEQUES LAND TRANSFER — BOUNDARY SURVEY. Thence S42°32'24"E 10,390.30' to Point # E-1, a 2" galvanized pipe set at the northeastern edge of the mangroves at Puerto Mosquito, the True Point of Beginning, having a northing of 755,367.6283 and an easting of 1.001,102.5145:

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(unable to set due to rubbish): thence N40°18'45"E 143.04' to Point #10E, a concrete monument set; thence N46°48'02"W 652.26' to Point #9E, an iron rod and cap set; thence N47°14'06"W 225.28' to Point #8E, an iron rod and cap set; thence N42"45'23"W 58.41' to Point #7E, an iron rod and cap set; thence N30°57 13"W 72.36' to Point #6E, an iron rod found and cap set; thence N10°07'22"W 107.33' to Point #5E, an iron rod found; thence N03°35'54"W 182.26' to Point #4E, an iron rod and cap set; thence NO5°03'32"W 47.28" to Point #3E, an iron rod and cap set; thence N36°52'32"W 301.41' to Point #2E, an iron rod and cap set; thence N50°22'14"W 266.53' to Point #1E, an iron rod and cap set on line with Points #3 and #4; thence N00°01'04"W 21.11' to Point #3, an iron rod and cap set; thence N41°04'33"W 335.21' to Point #115, an iron rod and cap set; thence N28°13'29"W 213.53' to Point #116, an iron rod and cap set; thence N09°34'10"W 444.52' to Point #117, an iron rod and cap set; thence N30°47'27"W 105.76' to Point #118, an iron rod and capitet; thence N45°33'54"W 115.06' to Point #119, an iron rod and cap set; thence N41°01'14"W 236.50' to Point #120, an iron rod and cap set; thence N47°28'43"W 172.50' to Point #121, an iron rod and cap set; thence N33°13'00"W 41.11' to Point #122, an iron rod and cap set; thence N05°08'10"W 147.08' to Point #123, an iron rod and cap set; thence N30°52'01"W 88.79' to Point #124, an iron rod and cap set; thence N39°20'52"W 260.69' to Point #125, an iron rod and cap set; thence N19°38'32"W 198.01' to Point #126, an iron rod and cap set; thence N38°30'36"W 25.00' to Point #127, an iron rod and cap set; thence N57°24'06"W 77.80' to Point #128, an iron rod and cap set; thence N55°24'28"W 69.65' to Point #2, an iron rod and cap set; thence N55°39'31"E 179.89 to Point #1, an iron rod and cap set in concrete near the approximate edge of water of Sonda de Vieques; thence easterly along the approximate edge of water of said Sonda de Vicques to Punta Campanilla, to Punta Goleta, to Punta Bicacos and to Punta Salinas; thence southeasterly along the approximate edge of water to Punta Este; thence westerly along the approximate edge of water of the Caribbean Sea to Punta Carenero, around Ensenada Horida to Punta Conejo and around Puerto Ferro continuing along the approximate edge of water of said Caribbean Sea to a 2" galvanized pipe set at the northeastern edge of the mangroves at Puerto Mosquito, the True Point of Beginning.

Said parcel containing 638,990,784 square feet or 14,669,210 acres, which equates to 59,364,409,3 square meters or 15,103,927 cuerdas. Less and except the parcels herein described as follows:

First, beginning at a survey control point near the line between Florida ward and Pucrto Real ward, said point being a drill hole in the center of a railroad iron. Said point also known as 'SUMMIT-2' and having a northing of 763,023.2548 and an easting of 994,077.5796 noted as the Point of Beginning on the plat labeled EAST VIEQUES LAND TRANSFER – BOUNDARY SURVEY. Thence S50°28'13"E 16,435.46' to an iron rod and cap to be set, the True Point of Beginning, having a northing of 752,562.4501 and an easting of 1,006,754.1703:

Thence S68°40'48"E 20.00' to an iron rod and cap to be set; thence S21°19'12"W 20.00' to an iron rod and cap to be set; thence N68°40'48"W 20.00' to an iron rod and cap to be set; thence N21°19'12"E 20.00' to an iron rod and cap to be set; the True Point of Beginning.

Said exception parcel, also known as U.S. Coast Guard Beacon Reservation, containing 400 square feet or 0.009 acres, which equates to 37.2 square meters or 0.009 cuerda.

Said East Vicques Land Transfer parcel containing a residual area of 638,990,384 square feet or 14,669,201 acres, which equates to 59,364,372.1 square meters or 15,103.918 cuerdas.

Second, that parcel known as Parcel C, containing 96.41 acres, more or less, as described in the Report of Excess filed by the Navy with the General Services Administration on 31 March 1993 and as reinstated with the General Services Administration as excess property at the request of the Department of Interior on or about 21 April 2003, a copy of which has been provided to the Atlanta office of the Fish and Wildlife Service.

Said East Vieques Land Transfer parcel containing a residual area of 14,572.791 acres, more or less.

## DESCRIPTION FOR LIVE IMPACT AREA

Beginning at a survey control point in the Puerto Diablo ward, said point being a brass disk set in concrete. Said point also known as 'OP1-A' and having a northing of 765,473.5284 and an easting of 1,043,816.9636. Thence N64°13'11"E 3835.96' to a concrete monument set at the southwest corner of said Live Impact Area, the True Point of Beginning, having a northing of 767,141.8615 and an easting of 1,047,271.1266:

Thence N03°35'49"E 2,540.99" to a concrete monument set, having a northing of 769,677.8422 and an easting of 1,047,430.5379; thence continuing northerly to the approximate edge of water of Sonda de Vieques; thence northeasterly along said approximate edge of water to a point at Tortnga Beach; thence southerly departing said approximate edge of water to a point at Tortnga Beach; thence southerly departing said approximate edge of water to a concrete monument set, having a northing of 768,500.5595 and an easting of 1,056,702.1832; thence S 00°27'24"E 2,476.27' to a concrete monument set, having a northing of 766,024.3680 and an easting of 1,056,721.9193; thence continuing southerly to the approximate edge of water of the Caribbean Sea; thence westerly along said approximate edge of water to a point at Bahia Salina del Sur, thence northerly departing said approximate edge of water to a concrete monument set, the True Point of Beginning.

Said parcel containing 39,985,149 square feet or 917.933 acres, which equates to 3,714,755.8 square meters or 945.135 cuerdas.